

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILD HORSE EDUCATION, *et al.*,
Plaintiffs,

v.

U.S. BUREAU OF LAND
MANAGEMENT, *et al.*,

Federal Defendants.

Case No. 3:23-cv-00372-MMD-
CLB

**SECOND DECLARATION OF
BRUCE THOMPSON**

I, Bruce Thompson, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am the Wild Horse and Burro Specialist for the Bureau of Land Management (BLM) Elko District, in Elko, Nevada. I have held that position since February 2008 but have worked for the BLM for 30 years. Before I became the Elko District Wild Horse and Burro Specialist, I worked as a Rangeland Management Specialist. I have also worked as a range technician for the U.S. Forest Service and as Forestry Aid-Technician for the U.S. Forest Service.
2. I have over 20 years of experience addressing wild horse management on public lands, as well as in conducting wild horse population inventories and health assessments, rangeland and riparian assessments, and ecological studies on BLM rangelands and riparian areas in Nevada. A significant amount of my career (approximately 13 years) was spent conducting these activities on approximately 1.8 million acres of land administered by the BLM Elko District in the Great Basin and Range of Nevada.
3. In my free time, I am an amateur wildlife photographer and I take great pleasure in viewing wildlife and wild horses on the public lands.
4. My desire to work with wild horses motivated me to accept a position as a BLM Wild Horse and Burro Specialist, caring for and ensuring the well-being of wild horses in northeastern Nevada.
5. My duties as a Wild Horse and Burro Specialist include administration and management of eight Herd Management Areas (HMAs) within the Elko District, including HMAs within the Triple B Complex. My duties include inventory and resource flights, monitoring wild horse conditions in the HMAs, evaluating and resolving escalating issues through use of appropriate measures. These measures can include, but are not limited to, water hauling and/or conducting an emergency gather. I also collect data to ascertain wild horse impacts to rangeland resources and habitat components relevant to determining whether Appropriate Management Levels (AMLs) require modification to ensure a thriving natural ecological balance.

6. The Antelope Valley (west of U.S. Hwy 93) and Maverick-Medicine HMAs area are managed by the BLM, Elko District Office. The Triple B HMA is managed by the BLM, Ely District Office and the Cherry Springs WHT is managed by the United States Forest Service, Humboldt-Toiyabe National Forest. Together, these HMAs and WHT comprise the Triple B Complex. The Complex is located about 60 miles southeast of Elko in Elko and White Pine Counties, Nevada and totals 1,632,324 acres of public, tribal, and mixed private lands. The HMAs are typical of the Great Basin region, characterized by north-south trending mountain ranges. Significant features are large flat valley bottoms and steep mountains with elevations ranging from approximately 5,000 feet on the valley floors to 10,000-plus feet atop the mountain peaks.

7. Annual precipitation normally ranges from approximately five to seven inches on the valley bottoms to 16 to 18 inches on the mountain peaks. Most of this precipitation comes in the form of snow occurring primarily in the winter and spring with the summers being quite dry. Temperatures range from greater than 90 degrees Fahrenheit in the summer months to minus 15 degrees or colder in the mountains in the winter. Generally, evaporation potential exceeds precipitation throughout the year. The average annual temperature is 43 to 47 degrees Fahrenheit (F).

8. The current estimated population in the Triple B Complex as a whole is 3,335 animals including the 2023 and 2024 foal crops. Based on many years of research and observation, the BLM estimates that the average wild horse foaling rate in the Complex is between 20-25% per year. Because of the late date of this scheduled gather, most of the foals born in 2024 are weaned or of weanable age and will no longer be counted as foals on January 1.

9. The Appropriate Management Level (AML) range for the Complex is 472-889 animals. The breakdown of population estimates and AML by Herd Management Area (HMA) is in the table below:

Herd Management Area	Total Acres Private/Public land	AML Range	Current Population Estimate (Includes 2023 & 2024 Foal Crops)
Triple B	1,225,000	250-518	2,050
Maverick-Medicine	286,460	166-276	1,250
Antelope Valley West of U.S. Highway 93	97,070	16-27	19
Cherry Springs WHT	23,794	40-68	16
Total	1,632,324	472-889	3,335

10. As outlined in the BLM's 2017 Environmental Assessment, the wild horses from these

HMAs/WHT travel back and forth across the Elko and White Pine County line, mixing with the wild horses from the other HMAs within the Complex. The population within each HMA can fluctuate depending on the season due to horse movements and migration patterns.

11. The gather that is scheduled to begin on November 1, 2024 in the Triple B Complex will focus operations in the Triple B HMA and the Maverick-Medicine HMA, but may move into other portions of the Complex, depending on where horses have moved, in order to meet gather objectives.

12. I was the flight manager for the Triple B Complex inventory flights (population estimate flights) that took place in May 2023. The flights are completed every 18 months to 2 years to get an updated estimate of wild horse populations. The estimated population from the 2023 inventory flights of the Triple B Complex was 2,357. That estimate was based on surveys that were conducted using methods recommended by BLM policy (BLM 2010) and the National Academy of Sciences (NRC 2013) with detailed methods described in *Griffin et al.* (2020). Data were analyzed using methods in *Ekernas and Lubow* (2019) to estimate sighting probabilities for horses, with sighting probabilities then used to correct the raw counts for systematic biases (undercounts) that are known to occur in aerial surveys (*Lubow and Ransom* 2016), and to provide confidence intervals (which are measures of uncertainty) associated with the abundance estimates. Surveys that are flown before July are unlikely to include all the foals born in that year, so the BLM derived its current population estimate by adding the full estimated 2023 and 2024 foal crop to those horses observed/estimated in the 2023 flight inventory.

13. During those flights, the BLM observed significant (for May) snowpack still in the mountains and limited forage (see Figure 1¹ below), and large concentrated groups of horses throughout the Complex. I saw very thin wild horses, ranking Body Condition Score (BCS) 2 or less,² and multiple dead wild horses. In addition, the flights observed large numbers of wild horses throughout the Triple B Complex. See **Exhibit 7** (2023 inventory memo).

¹ I personally took the photographs included as Figures 1 through 21 in this Declaration.

² Body Condition Scores range from 1 (extremely emaciated) to 9 (extremely fat). See **Exhibit 6** (Henneke Equine Body Condition Scoring Chart). Horses in BCS 1 and 2 are unlikely to survive on the range.



Figure 1. Winter use area showing little to no forage (May 2023).



Figure 2. Dead wild horses observed on May 2023 flights.



Figure 3. Dead wild horses observed on May 2023 flights.

14. The Triple B Complex wild horse gather that is scheduled to begin on November 1, 2024, has been an Elko District priority due to lack of water and forage on the public range and animals leaving the HMAs in search food and water.

15. The Triple B Complex experienced drought conditions from 2020 through early 2023, in which forage and the (already limited) water was scarce.

16. Within the entire Maverick-Medicine HMA, very limited livestock grazing occurred over the winter of 2023 to the present. This is because many of the grazing permittees have not grazed their livestock (taken non-use) or grazed significantly reduced numbers of livestock because of the excess numbers of wild horse and lack of water. In several areas, the wild horses moved outside of the Complex boundaries, which shows that there is a lack of sufficient forage and water for them within the Complex.

17. For several years leading up to the 2023 winter and following year (2024), the area has gone through extreme drought with a brief respite early this year before abnormally dry conditions returned this summer. Heavy to severe forage utilization by wild horses has been documented following the 2022 gather both inside and outside the Maverick-Medicine and Triple B HMA boundaries. Since the BLM approved the Antelope and Triple B Complex Gather Plan in 2017, the Triple B Complex population has been far over AML, despite BLM's removal of approximately 4,502 horses from the Complex since 2017.



Figure 4. Monitoring site in the Maverick-Medicine HMA in April 2022. The site was a winterfat, indian ricegrass, and saltbush site that is now dominated by invasive annuals like halegeton and russian thistle due to excessive use by wild horses. The small green shrubs are Nuttals saltbush. There has been no livestock grazing here since 1984.



Figure 5. The same monitoring site in November 2023.



Figure 6. The same monitoring site in April 2024. Winterfat utilization by wild horses was recorded at 92%.

18. The Maverick-Medicine HMA has had dry spring and summer conditions during 2024, reducing the amount of available forage and water throughout the HMA. Heavy to severe forage use by excess wild horses in and around the HMA is causing a decrease in native vegetative cover and an increase in wildfire-prone invasive and noxious weed populations. Wild horse utilization has exceeded the capacity of the range, resulting in a loss of desired forage species and overall deterioration of watershed health.

19. The western two-thirds of the Maverick-Medicine HMA has little to no water for wild horses. In July 2024, BLM conducted monitoring checks of four water sites in the western portion (Maverick Springs Range) of the Maverick-Medicine HMA and Triple B HMA to determine water availability for wild horses. Two of those water sources, Tick spring and Gardner spring, are normally dry at this time of year and BLM confirmed that status. But the two remaining water sources, Cherry spring and Cone spring, were not producing enough water to sustain the wild horses in the area. Large numbers of wild horses trying to drink were observed at the two springs.

20. In 2023, the Ruby Lake National Wildlife Refuge (Refuge) fenced the last unfenced spring (Minnow spring) within the Refuge boundary. Without that water source as a relief valve for Cherry and Cone springs, the next nearest water sources are White Rock and Pot Springs located in the Triple B HMA approximately 10 to 12 miles to the south/southeast. It is likely that some combination of active mining exploration activities and general horse unfamiliarity with those sources are preventing the horses at Cherry spring from going south to find water. As a result, there is not enough water to sustain the numbers of wild horses in the western portion of the Maverick-Medicine HMA.

21. On August 5, 2024, BLM checked at the Refuge to see if wild horses had breached the new fence to access water. On a playa north of Minnow spring, BLM observed 50+ wild horses. The abundant precipitation the last couple years has risen the water table and wild horses had dug holes (see following pictures) to get water. In addition, the horses looking for water, BLM observed four dead horses near the holes on the playa.



Figure 7. Wild horse walking by dead horse on the playa August 5, 2024

22. On August 7, 2024, BLM checked along the springs in the Maverick Springs Range and the playa and observed large groups of wild horses at each location. While there was some movement of wild horses between the springs, a good number were staying on playa (based on the amount of mud on them). BLM observed wild horses (same color and markings) at each location. The springs and the playa are located close to each other.



Figure 8. Large number of wild horses at Cone spring.



Figure 9. Little to no water available for wild horses at Cone spring.



Figure 10. Large numbers of wild horses on the playa.



Figure 11. Wild horses mired in the mud on August 7, 2024.



Figure 12. No water flowing at Cherry spring.



Figure 13. Dead wild horses mired in the mud on August 12, 2024.

23. On August 13, 2024, BLM conducted a resource flight and observed over 100 wild horses in the Maverick Springs Range. There were 68 wild horses on the playa many of the horses on the playa were BCS 1.5 to 3. BLM found several wild horses that had become mired in the mud and died.



Figure 14. Photo from resource flight over northern portion of Triple B and Maverick-Medicine HMAs.



Figure 15. Photo from flight over northern portion of Triple B and Maverick-Medicine HMAs.



Figure 16. Photo from flight over northern portion of Triple B and Maverick-Medicine HMAs.



Figure 17. Photo from flight over northern portion of Triple B and Maverick-Medicine HMAs.



Figure 18. Photo from flight over northern portion of Triple B and Maverick-Medicine HMAs, showing horses trying to access water and a dead horse.

24. On August 28, 2024, BLM began an emergency gather to remove excess wild horses due to a lack of forage and water. A total of 109 excess wild horses were removed. Two of those animals were humanely euthanized due to poor BCS, while one died of acute causes.

25. Since the gather ended BLM has documented wild horse deaths that are still occurring on the range due to a lack of sufficient resources to sustain them, as illustrated in the figures below.



Figure 19. Wild horse found mired and dead in mud in September 2024.



Figure 20. Wild horse mired in mud in September 2024.



Figure 21. Three wild horses mired in mud in September 2024.

26. In the gather scheduled to begin November 1, 2024, a total of 2,255 excess wild horses are planned to be gathered and 2,155 removed from the Triple B Complex to help reduce the severe overpopulation and prevent the type of suffering or death observed this past summer in the Complex. The numbers to be gathered include the 2024 foal crop as the foals will be of weanable age. Even with the removal of 2,155 excess wild horses from the Triple B Complex, the population (which is estimated to be 3,335 before the gather) will remain at about 125% of the high AML for the Triple B Complex.

27. The extreme overpopulation of wild horses in the Triple B Complex not only puts the wild horses remaining in the Complex at risk, it also leads to continued severe use of vegetative resources. This results in a loss of desired forage species from plant communities as plant health and watershed conditions deteriorate. Wild horses will face increased competition for limited water among the horses themselves (where foals and mares may be unable to compete with stallions) and between the horses and other wildlife.

28. If BLM is unable to capture the remaining excess animals scheduled to be captured and removed (i.e., the approximately 2,255 target for capture and 2,155 target for removal) there will likely be adverse effects to vegetative resources, limited riparian resources, wildlife habitat, and the health and welfare of the wild horses on the public range. Public safety would also likely be adversely affected, since wild horses will move farther outside the HMA boundaries. A gather would help reduce the likelihood of wild horses crossing the road to Bald Mountain Mine where they can collide with motorists.

I declare under penalty of perjury that the foregoing is true and correct to the best of my current knowledge, information, and belief.

Bruce Thompson
Wild Horse Specialist
Elko District BLM